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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,434	01/22/2004	Walter Belchine III	14318	5184

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PAUL F. DONOVAN
ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
GLENVIEW, IL 60025

EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,434

Applicant(s)

BELCHINE, WALTER

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-13, 15 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 14 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attachment #1.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on June 20, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1,2, and 14 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,719,248 to Breitschwerdt et al (Breitschwerdt).

Regarding claims 1 and 14, Breitschwerdt discloses an automobile door handle mechanism comprising a door handle (7) having a handle arm (7b); a latch lever (10) having a lever arm (at 12) engaged with the handle arm for movement of the latch lever by movement of the handle.

The lever arm moves about a lever axis (19). The handle arm includes a rib (14) and the lever arm includes a protrusion (edge of 12 with 13) to restrict movement of the latch lever about the lever axis without movement of the handle (see attachment #1).

As to claim 2, Breitschwerdt illustrates that the lever axis (19) is substantially horizontal.

Allowable Subject Matter

4. **Claims 7-13,15,17-20 are allowed.**

5. **Claims 3,5 and 6 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 would also be allowed because the claim depends from claim 3.

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 7 and 18 are allowable over the prior art of record and claims 3,5 and 6 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the latch lever has a cable arm and a cable slot that receives a cable connected to the lock of the door (claims 3 and 6); that the rib of the handle is disposed in the rotational path of the lever arm (claims 5 and 7); and that the handle arm overlaps the lever arm in the unlatch direction (claim 18).

As to claims 3 and 6, Breitschwerdt fails to disclose that the latch lever has a cable arm and a cable slot that receives a cable connected to the lock of the door. Breitschwerdt discloses that the handle arm (7b) is the one capable of being connected to the lock of the door.

As to claims 5 and 7, Breitschwerdt fails to disclose that the rib of the handle is disposed in the rotational path of the lever arm. Breitschwerdt discloses that the rib of the handle is out of the rotational path of the lever arm.

As to claim 18, Breitschwerdt fails to disclose that the handle arm overlaps the lever arm in the unlatch direction. Breitschwerdt discloses that because the rib of the handle is out of the rotational path of the lever arm, it could not overlap the lever arm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. After further review and consideration of the prior art and the claims, a new Non-Final Office Action was made of record.

The examiner believes that at least for claims 1,2 and 14, Breitschwerdt discloses the invention as claimed. Therefore, the allowed status for claims 1,2 and 14 is withdrawn in base of the rejection made above. However, the examine express that claims 3,5 and 6 contains allowable subject matter.

Breitschwerdt discloses a handle mechanism comprising a door handle (7) having a handle arm (7b); a latch lever (10) having a lever arm (11 and 12) engaged with the handle arm for movement of the latch lever by movement of the handle. Further, Breitschwerdt discloses that the lever arm moves about a lever axis (19) and that the handle arm includes a rib (14) and the lever arm includes a protrusion (edge of 12 with 13) to restrict movement of the latch lever about the lever axis without movement of the handle.

The current claim language of claims 1 and 14 does not require that the rib inhibit the movement of the lever arm. It only requires that there is an engagement between the two members. Also, the current claim language of claims 1 and 14 does not require the direction in which the rib will inhibit movement of the lever arm. As seen in attachment #1, Breitschwerdt illustrates that the rib 14 will inhibit the latch lever 10 to a direction opposite the opening direction. Therefore, a rejection to at least claims 1,2 and 14 in view of Breitschwerdt was made on record.

As to claims 7 and 18, after reviewing the applicant's arguments and the current prior art, the examiner stated that are allowed over the prior art of record because the prior art fails to disclose that the rib of the handle is disposed in the rotational path of the lever arm or that the handle arm overlaps the lever arm in the unlatch direction.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.
Carlos Lugo
AU 3676
Sept. 1, 2005


BRIAN E. GLESSNER
PRIMARY EXAMINER

